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November 17, 2008

By Express Mail

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Attention: Trademark Trial and Appeal Board

Re: Minnesota Twins, LLC
Consolidated Notice of Opposition against
Charles Myers'
Applications to Register FACETWIN, FACE TWINS, FACETWINS,
FACE TWIN
Attorney Ref. No. 21307.032

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Numbers 77/362,999, 77/363,003, 77/363,006, and 77/363,008 published in the Official Gazette of May 20, 2008. Contemporaneously with the filing of this Consolidated Notice of Opposition, we enclose a check in the amount of \$1,200 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.



11-17-2008

U.S. Patent & Trademark Office



21307/032/1070148.1

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Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

Roberto Ledesma

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)
Nancy Pisacano (w/encs.)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial Nos. 77/362,999, 77/363,003, 77/363,006, 77/363,008

Filed: January 2, 2008

For Marks: FACETWIN, FACE TWINS, FACETWINS, FACE TWIN

Published in the Official Gazette: May 20, 2008

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MINNESOTA TWINS, LLC,	:	
	:	
Opposer,	:	
	:	<u>CONSOLIDATED NOTICE OF</u>
v.	:	<u>OPPOSITION</u>
	:	
CHARLES MYERS,	:	Consolidated Opposition No.
	:	
Applicant.	:	
-----X	:	

Commissioner for Trademarks

Attn.: TTAB

P.O. Box 1451

Alexandria, VA 22313-1451

Opposer, Minnesota Twins, LLC ("Opposer"), a Delaware limited liability company located at The Metrodome, 34 Kirby Puckett Place, Minneapolis, Minnesota 55415, believes that it will be damaged by registration of the word marks FACETWIN as shown in Application Serial No. 77/362,999, FACE TWINS as shown in Application Serial No. 77/363,003, FACETWINS as shown in Application Serial No. 77/363,006, and FACE TWIN as shown in Application Serial No. 77/363,008 (collectively "Applicant's FACE TWINS Marks"), all for "Entertainment services, namely, providing a website featuring photographic, audio, video and prose presentations featuring images of individuals; Mobile media and entertainment services in the

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"Express Mail" Mailing Label Number

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on

(Date of Deposit)

(Print name)

(Signature)

nature of content preparation; Providing a web site where users can post ratings, reviews and recommendations on events and activities in the field of entertainment and education” in International Class 41 (the “Applications”), and having been granted extensions of time to oppose the Applications up to and including November 16, 2008 hereby oppose the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned MINNESOTA TWINS MAJOR LEAGUE BASEBALL club.

2. Since long prior to January 2, 2008, Applicant’s constructive first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors have used marks comprising or containing the word TWINS, alone or with other word, letter and/or design elements, in connection with baseball game and exhibition services and a wide variety of goods and services, including, without limitation, entertainment services, including via websites and the Internet, educational services, clothing, sporting goods, toys, printed and paper matter and novelty items, and the word TWIN has been used by the press, media, fans and the public to refer to the Club’s individual baseball players, managers and coaches (collectively, “Opposer’s TWINS Marks”).

3. Opposer owns U.S. federal registrations for Opposer’s TWINS Marks in International Classes 6, 14, 16, 18, 21, 24, 25, 26, 28, 34, and 41; namely, Registration Nos. 1,535,214, 1,549,088, 1,550,094, 1,553,285, 1,563,422, 1,594,846, 1,609,875, 1,730,992 and 2,597,173. All of Opposer’s U.S. federal registrations for Opposer’s TWINS Marks are incontestable.

4. Since long prior to January 2, 2008, Applicant’s constructive first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors have

promoted and advertised the sale and/or distribution of goods and services bearing or offered in connection with Opposer's TWINS Marks, including, but not limited to, baseball game and exhibition services and a wide variety of goods and services, including, without limitation, entertainment services, including websites featuring images and content on individuals, events and activities, educational services and materials, clothing, sporting goods, toys, printed and paper matter and novelty items, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales, distribution and promotion of its goods and services bearing or offered in connection with Opposer's TWINS Marks, Opposer has built up highly valuable goodwill in Opposer's TWINS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On January 2, 2008, Applicant filed the Applications to register Applicant's FACE TWINS Marks, all in connection with "Entertainment services, namely, providing a website featuring photographic, audio, video and prose presentations featuring images of individuals; Mobile media and entertainment services in the nature of content preparation; Providing a web site where users can post ratings, reviews and recommendations on events and activities in the field of entertainment and education" in International Class 41, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's FACE TWINS Marks in United States commerce for the services covered in the Applications prior to his constructive first use date of January 2, 2008.

8. The services covered by the Applications are closely related to the goods offered and services rendered in connection with Opposer's TWINS Marks.

9. Applicant's FACE TWINS Marks so resemble Opposer's TWINS Marks as to be likely, when applied to Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's FACE TWINS Marks.

10. Opposer would be further injured by the granting of certificates of registration to Applicant because Applicant's FACE TWINS Marks would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's FACE TWINS Marks and requests that the consolidated opposition be sustained and said registrations be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin and Richard S. Mandel (members of the bar of the State of New York) and Roberto Ledesma (member of the bar of the State of Florida) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
November 17, 2008

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: _____

Mary L. Kevlin

Richard S. Mandel

Roberto Ledesma

1133 Avenue of the Americas

New York, New York 10036

(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 17, 2008, I caused a true copy of the foregoing CONSOLIDATED NOTICE OF OPPOSITION to be sent via First Class Mail, postage paid, to Applicant's Attorney of Record, Michael Catania, Esq., Clause Eight Intellectual Property Services, PO Box 131270, Carlsbad, CA 92013-1270.

Dated: New York, New York
November 17, 2008



Roberto Ledesma